

Remarks

Claims 1-26 are pending the application, of which claims 15-26 have been withdrawn from consideration and claims 1-14 have been rejected. By this paper, Applicants have amended claims 1 and 9-11. The specification has been amended to overcome typographical errors.

Claim Rejections - 35 U.S.C. § 112

The Examiner has rejected claims 1-7 and 9-11 for improper antecedent basis informalities in claims 1 and 9-11; as well as a double inclusion of a claim limitation in claims 9-11. Accordingly, these informalities have been corrected by changes to the claims.

Claim Rejections - 35 U.S.C. § 103

The Examiner has rejected claims 1-14 under 35 U.S.C. § 103(a) as being unpatentable over Applicants' admitted prior art. The Examiner states

To overcome the rejections below based upon the multiple studies referred to on pages 19-21 of the specification, applicant must submit copies of the studies, including study authors and dates, with the response to this office action.

The studies referred to by the Examiner are not prior art, and have not been admitted as prior art by the Applicants. The studies referred to by the Examiner are included in the section of the application labeled "Detailed Description of the Preferred Embodiment" rather than the "Background Art" section of the patent application. Although the studies described on pages 19-21 of the specification are directed to prior art gundrills, the actual studies are not prior art absent an admission by the Applicants to the contrary, or absent evidence to the contrary. Accordingly, the studies referred to on pages 19-21 of the specification are not prior art and cannot be properly utilized in a rejection under 35 U.S.C. § 103(a). Additionally, the Examiner's requirement that the Applicants submit copies of the

studies, including study authors and dates, would be redundant with the application as filed, the declarations of the inventors, and the dates associated therewith.

Since the Examiner is rejecting claims 1-14 from the Applicants' disclosure and not on prior art, the obviousness rejection is improper and should be withdrawn.

Conclusion

In view of the foregoing, Applicants respectfully request that the application is in condition for allowance, which allowance is hereby respectfully requested.

Respectfully submitted,

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